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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

FELTON A. SPEARS, JR. and SIDNEY
SCHOLL, on behalf of themselves and all
others similarly situated,

Plaintiffs,

v.

WASHINGTON MUTUAL, INC.,
a Washington corporation;
FIRST AMERICAN EAPPRAISEIT,
a Delaware corporation; and
LENDER'S SERVICE, INC.,

Defendants.

CASE NO.: 5:08-CV-00868 (HRL)

CLASS ACTION

STIPULATION AND ~~PROPOSED~~ ORDER RE:
(1) EXTENDING TIME TO FILE AN AMENDED
COMPLAINT; (2) MODIFYING THE CASE
MANAGEMENT CONFERENCE DATE

1 WHEREAS, on March 11, 2008, the parties agreed and stipulated that Plaintiffs would file
2 their amended complaint on or about March 19, 2008 and Defendants would thereafter have thirty
3 days to answer or otherwise respond;

4 WHEREAS, on March 14, 2008, this Court entered an order requiring plaintiffs to file an
5 amended complaint by March 19, 2008; providing Defendants thirty days to answer or otherwise
6 respond; and setting the initial case management conference for May 17, 2008;

7 WHEREAS, Plaintiffs' complaint pleads a violation of the Consumers Legal Remedies Act,
8 California Civil Code § 1750, *et seq.* (the "CLRA");

9 WHEREAS, in conjunction with the filing of the complaint, Plaintiffs notified Defendants in
10 writing of the particular violations of *Civil Code* § 1770 alleged in the complaint and provided them
11 thirty days to properly respond before Plaintiffs would amend their complaint to seek damages as
12 provided for in *Civil Code* § 1780;

13 WHEREAS, the thirty day period to respond provided by *Civil Code* § 1782(b) will not
14 expire until approximately March 28, 2008;

15 WHEREAS, in consideration of the new date on which Plaintiffs propose to file the
16 amended complaint and the professional and personal schedules of counsel and the parties, the
17 Defendants seek an additional four days, until May 2, 2008, to answer or otherwise respond;

18 WHEREAS, on March 14, 2008, the Court also set an initial case management conference
19 for May 17, 2008, which is a Saturday;

20 WHEREAS, counsel has been subsequently informed by chambers that the May 17th date
21 was a typographical error and the correct date for the initial status conference is May 27, 2008;

22 WHEREAS, this case was originally filed on January 25, 2008 and to date no responsive
23 pleadings have been made or motions filed.

24 WHEREAS, counsel have met and conferred on these matters and agree that providing
25 Plaintiff a nine day extension in which to file an amended complaint; providing Defendants a four
26 day extension to answer or otherwise respond and resetting the initial case management conference
27 would not be prejudicial to either party and would further promote judicial efficiency;

28 ///

1 IT IS HEREBY STIPULATED by the parties, by and through their undersigned counsel,
2 that:

- 3 (1) Plaintiffs will file their amended complaint on or before March 28, 2008.
4 (2) Defendants will answer or otherwise respond on or before May 2, 2008.
5 (3) The initial case management conference will be on May 27, 2008.

6
7 Dated: March 19, 2008

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12
13 Attorneys for Plaintiffs

14
15 Dated: March 19, 2008

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1 Dated: March 19, 2008

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12 Dated: March 19, 2008

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19 Attorneys for Defendant
20 Lender's Services, Inc.

~~PROPOSED~~ ORDER

PURSUANT TO THE PARTIES' STIPULATION, THE COURT HEREBY ORDERS AS
FOLLOWS:

- (1) Plaintiffs will file their amended complaint on or before March 28, 2008.
- (2) Defendants will answer or otherwise respond on or before May 2, 2008.
- (3) The initial case management conference will be on May 27, 2008.

Dated: March 28, 2008



Hon. Howard R. Lloyd
United States Magistrate Judge